

REMARKS

Reexamination and reconsideration of the claims 1-10, 12-18, 20-35, and 39-42, and consideration of new claims 42-45, are respectfully requested. Applicants appreciate and acknowledge the recognition of allowable subject matter in dependent claims 11, 19, and 36.

Claim 15 was rejected under 35 U.S.C. sec. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 has been amended to remove any indefiniteness that may have existed. Moreover, the amendment of claim 15 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claim. Withdrawal of the sec. 112 rejection, second paragraph, of claim 15 is respectfully requested.

Claims 1, 2, 10, and 12-14 were rejected under 35 U.S.C. sec. 103(a) applying U.S. Pat. No. 6,574,400 (the '400 patent) without a teaching reference. For a single reference to be applicable under sec. 103(a), it must, *inter alia*, expressly or inherently, teach each and every feature of the claimed invention.

It is respectfully submitted that a *prima facie* case of obviousness is lacking because the '400 patent does not teach, disclose, or otherwise suggest each and every feature of amended independent claim 1. Moreover, the amendment of claim 1, or any other claim, is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claim.

The present invention is directed to a tube assembly having a dry insert adjacent to the optical waveguides, thereby providing coupling, cushioning, and optionally water-blocking for the assembly. Specifically, claim 1 recites, *inter alia*, the dry insert comprising a tape and at least one filament attached to the tape so that the at least one filament forms a plurality of

loops on the tape and the dry insert is disposed adjacent to the at least one optical waveguide within the tube for coupling the at least optical waveguide with the tube.

On the other hand, the '400 patent teaches propelling a mixture of adhesive and water absorbent substances on cable components. See the Abstract of the '400 patent. More specifically, Fig. 1 of the '400 patent illustrates a core binder component 26 stranded about buffer tubes 23 and then having a composition of water absorbent and adhesive substances sprayed thereon (Figs. 3-5) as stripes 38. See Col. 3, ll. 1-59 of the '400 patent. Thus, the objective evidence of the '400 patent shows that it does not teach the invention of independent claim 1. In other words, the '400 patent does not teach, disclose, or otherwise suggest, *inter alia*, a dry insert including at least one filament attached to the tape to form a plurality of loops as recited by independent claim 1. For at least the reasons stated, withdrawal of the sec. 103(a) rejection of claims 1, 2, 10, and 12-14 is warranted and respectfully requested.

Claims 3, 4, 7, and 8 were rejected under 35 U.S.C. sec. 103(a) applying the '400 patent without a teaching reference. For at least the reasons stated above with respect to claim 1, a *prima facie* case of obviousness is lacking with respect to claims 3, 4, 7, and 8. As an independent basis for claim 3, core binder component 26 and the plurality of water-blocking stripes 38 of the '400 patent could not compress and couple ribbons 24 with tube 23 since the stripes and ribbons cannot interact. As an independent basis for claims 7 and 8, stripes 38 and cable core binder 26 do not form a core with ribbons 24 and could not be pulled out as a core. Specifically, as shown in Figs. 3-5 stripes 38 are intermittently sprayed on the buffer tubes 23 and the other components. Great efforts would be required to remove stripes 38 from the cable components and the ribbons would still be disposed in buffer tubes 23. Thus, the withdrawal of the sec.

103(a) rejection of claims 3, 4, 7, and 8 is warranted and respectfully requested.

Claim 5, 6, and 9 were rejected under 35 U.S.C. sec. 103(a) applying the '400 patent without a teaching reference. For at least the reasons stated above with respect to independent claim 1, a *prima facie* case of obviousness is lacking with respect to dependent claims 5, 6, and 9. Thus, the withdrawal of the sec. 103(a) rejection of claims 5, 6, and 9 is warranted and respectfully requested.

Claims 15, 18, 23, and 26-28 were rejected under 35 U.S.C. sec. 103(a) applying the '400 patent without a teaching reference. For a single reference to be applicable under sec. 103(a), it must, *inter alia*, expressly or inherently, teach each and every feature of the claimed invention.

It is respectfully submitted that the '400 patent does not teach, disclose, or otherwise suggest each and every feature of amended independent claim 15. Simply stated, the '400 patent does not teach compressing a dry insert for coupling of the optical fiber. Moreover, there is no objective evidence of record that supports the teaching asserted in the Office Action. For at least these reasons, a *prima facie* case of obviousness is lacking with respect to independent claim 15 and dependent claims 18, 23, and 26-28. Thus, the withdrawal of the sec. 103(a) rejection of claims 15, 18, 23, and 26-28 is warranted and respectfully requested.

Dependent claims 16, 17, 20-22, 24, and 25 were rejected under 35 U.S.C. sec. 103(a) applying the '400 patent without a teaching reference. For at least the reasons stated above with respect to independent claim 15, a *prima facie* case of obviousness is lacking with respect to dependent claims 16, 17, 20-22, 24, and 25. Thus, the withdrawal of the sec. 103(a) rejection of claims 16, 17, 20-22, 24, and 25 is warranted and respectfully requested.

Claims 29, 32, 35, 38, and 39 were rejected under 35 U.S.C. sec. 103(a) applying the '400 patent without a teaching reference. For a single reference to be applicable under sec. 103(a), it must, *inter alia*, expressly or inherently, teach each and every feature of the claimed invention.

Independent claim 29 recites, *inter alia*, a dry insert including a tape and at least one filament attached to the tape to form a plurality of loops on the tape, wherein the dry insert and the at least one optical waveguide form a core disposed within the tube, the core having a pull-out force between about 0.2 N/m and about 5.0 N/m for a 100 meter length.

Simply stated, the '400 patent does not teach core within a tube, where the core comprises at least optical waveguide and a dry insert as recited by claim 29. As stated above, the '400 patent teaches a core binder component 26 stranded about buffer tubes 23 and having a composition of water absorbent and adhesive substances sprayed thereon (Figs. 3-5) as stripes 38. See Col. 3, ll. 1-59 of the '400 patent. For at least these reasons, a *prima facie* case of obviousness is lacking with respect to independent claim 29 and dependent claims 18, 23, and 26-28. Thus, the withdrawal of the sec. 103(a) rejection of claims 29, 32, 35, 38, and 39 is warranted and respectfully requested.

Dependent claims 30, 31, 33, 34, and 37 were rejected under 35 U.S.C. sec. 103(a) applying the '400 patent without a teaching reference. For at least the reasons stated above with respect to independent claim 29, a *prima facie* case of obviousness is lacking with respect to dependent claims 30, 31, 33, 34, and 37. Thus, the withdrawal of the sec. 103(a) rejection of claims 30, 31, 33, 34, and 37 is warranted and respectfully requested.

Claims 40-42 were rejected under 35 U.S.C. sec. 103(a) applying the '400 patent without a teaching reference. For a single reference to be applicable under sec. 103(a), it must, *inter alia*, expressly or inherently, teach each and every feature

of the claimed invention.

Independent claim 40 recites a method of manufacturing an optical tube assembly including the steps of paying off at least one optical waveguide, placing a dry insert adjacent to the at least one waveguide, thereby forming a dry core, wherein the dry insert comprises a tape and at least one filament attached to the tape so that the at least one filament forms a plurality of loops, and extruding a tube around the dry core. For at least the reasons stated above, a *prima facie* case of obviousness is lacking with respect to independent claim 40. Thus, the withdrawal of the sec. 103(a) rejection of claims 40-42 is warranted and respectfully requested.

One-hundred and fifty dollars is believed due for the addition of three (3) dependent claims in excess of twenty. If any other fees not previously authorized are due in connection with this Reply, please charge the fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,


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